

REMARKS

This Amendment is responsive to the Office Action mailed on June 30, 2005. Claims 1-4 and 11 are amended. Claims 1-12 are pending.

Claims 1-3 and 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fogarty (US 3,971,721) in view of Holyoak (US 4,089,783).

Claims 4-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fogarty in view of Holyoak, in further view of Lovett (US 3,388,805).

Applicants respectfully traverse these rejections in view of following comments.

Discussion of Amended Claims

Claims 1-4 and 11 are amended to improve readability of the claims and to address potential antecedent basis problems in the claims.

Discussion of Prior Art Rejections

Claims 1-3 and 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fogarty in view of Holyoak

Fogarty discloses a filter system including a path of flow for a flowable material to be filtered and a continuous filter element moveable transversely to the flow. The filter element is moved continuously or on demand through a channel, presenting a continuous renewed filter area to the flowable material (Abstract). The filter element 13 includes a support member 18 which supports a filter screen or web 19. The support member 18 comprising a plurality of longitudinal strands 21 of a high strength material, for example, metallic wires. The support member 18 also includes a plurality of transverse strands 22, for example, polyester fibers (Col. 4, line 66 to Col. 5, line 21). The filter system of Fogarty is used in the plastics industry to filter plastic in a flowable condition. The filter system may also be adapted for filtering a rubber monomer or polymer (see, e.g., Col. 7, lines 17-24 and lines 48-50).

Holyoak discloses a completely difference type of filter element than that of Fogarty. In

particular, Holyoak discloses a filter element used in internal combustion engines and hydraulic and other machinery (Col. 1, lines 12-14). The filter element 10 of Holyoak is pleated or folded into the shape of a star, and arranged on a perforated center tube 11.

The filter element 13 of Holyoak is stationary, and not continuously moveable transverse to a flow path of the flowable material as is that of Fogarty. Further, a filter element folded in the shape of a star as disclosed in Holyoak would not be usable in the filter system disclosed in Fogarty. Accordingly, there is no motivation for one skilled in the art to combine the disclosures of Fogarty and Holyoak as indicated by the Examiner. Only with hindsight impermissibly gained from Applicants' disclosure could one of ordinary skill in the art arrive at the conclusions reached by the Examiner.

Further, assuming *arguendo* that one skilled in the art would be motivated to combine the disclosures of Fogarty and Holyoak as indicated by the Examiner, such a combination would not lead to Applicant's claimed invention. In particular, if one skilled in the art were to attempt to use the support member 18 of Fogarty to form a star shaped filter element as disclosed in Holyoak, it would be obvious for one skilled in the art to cut the support member 18 to length and then fold the support member 18 to form a star shape as shown in Holyoak. However, by cutting and folding the support member 18, the metallic longitudinal strands 21 would extend perpendicularly to the pleats of the folded support member 18. In contrast, with Applicant's claimed invention, the metal threads extend parallel to the pleats of the supporting fabric.

Accordingly, the combination of Fogarty and Holyoak would not result in Applicant's claimed invention.

Neither Fogarty nor Holyoak disclose or remotely suggest a filter element in which the filter material and the supporting structure are folded in the shape of a star, where the supporting structure forms a supporting fabric having metal and plastic threads and the metal threads extend parallel to pleats of the supporting fabric, as claimed by Applicants.

With Applicant's claimed invention, the metal threads of the supporting fabric extend parallel to the pleats of the supporting fabric. Such an orientation of the metal threads provides the advantage that during the manufacture and use of the filter element, the metal threads are not

subject to any considerable bending load. Thus, the service life of the filter element can be considerably prolonged (see, e.g., Applicant's specification, page 3, last para.). Neither Fogarty nor Holyoak disclose or remotely suggest such an advantage.

Applicants respectfully submit that the present invention would not have been obvious to one skilled in the art in view of the combination of Fogarty and Holyoak, or any of the other prior art of record.

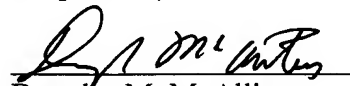
Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,



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